

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

In re:	:	
	:	Chapter 11
USG CORPORATION,	:	
a Delaware corporation, <u>et al.</u> ,	:	Jointly Administered
	:	Case No. 01-2094 (JKF)
Debtors.	:	
	:	
	:	
USG CORPORATION, <u>et al.</u> ,	:	
	:	
Movant	:	
	:	
v.	:	
	:	Civil Action No. 04-1560 (JFC)
OFFICIAL COMMITTEE OF	:	
ASBESTOS PERSONAL INJURY	:	
CLAIMANTS, <u>et al.</u> ,	:	
	:	
Respondents.	:	

**JOINT REQUEST FOR BRIEFING SCHEDULE RE: DISCOVERY DISPUTE**

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On February 11, 2005, Debtors<sup>1</sup> and the Official Committee of Asbestos Personal Injury Claimants (the “ACC”), along with Dean Trafelet, the Legal Representative for Future Asbestos Claimants (the “FCR”), filed decisional trees in response to the Court’s Order. As is evident, the parties disagree regarding how the Court should conduct the estimation, and the Court will have to determine which estimation methodology to pursue at an initial hearing (the “Estimation-Methodology Hearing”).

During the meet and confer process ordered by the Court, the parties discovered that they also have a preliminary dispute as to whether discovery in advance of the Estimation-Methodology Hearing is necessary. Debtors believe that the questions before the Court are principally legal in nature and are ready to be briefed, argued, and decided. The ACC and FCR contend that, although the ultimate issues are legal, there are factual issues implicated for which substantial discovery must precede the Court’s determination of the appropriate estimation protocol.

In light of the ACC and FCR’s request for discovery, whether (and to what extent) discovery is required before the Estimation-Methodology Hearing is a question for the Court to resolve. Accordingly, the parties respectfully and jointly propose the following schedule for addressing this threshold discovery issue:

- April 1, 2005 – simultaneous briefs addressing the need for and proper scope of discovery, if any, before the Estimation-Methodology Hearing;
- April 15, 2005 – simultaneous responses to the briefs;
- April 21, 2005 (or at the Court’s convenience) – oral argument before the Court in Pittsburgh.

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<sup>1</sup> “Debtors” include the following eleven entities: USG Corporation, United States Gypsum Company, USG Interiors, Inc , USG Interiors International, Inc , L&W Supply Corporation, Beadex Manufacturing, LLC, B-R Pipeline Company, La Mirada Products Co , Inc , USG Industries, Inc , USG Pipeline Company and Stocking Specialists, Inc

Once the Court determines whether discovery prior to the Estimation-Methodology Hearing is appropriate, the parties can conduct any such discovery and then proceed to present the estimation-methodology issue for the Court's determination.

For these reasons, the parties respectfully request that the Court adopt the above-described briefing and hearing schedule to determine what, if any, discovery the parties will take before the Estimation-Methodology Hearing. This joint proposal is submitted in lieu of responses to the respective decisional trees. If the Court so requests, the parties will file decisional tree responses in addition to this joint request.

Dated: March 11, 2005

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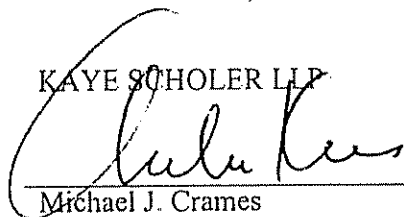
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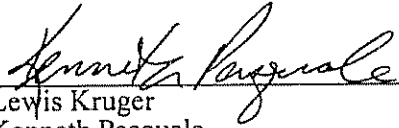
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UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

CERTIFICATE OF SERVICE

I hereby certify that on March 11, 2005, I electronically filed *Joint Request for Briefing Schedule Re: Discovery Dispute* with the Clerk of Court using CM/ECF which will send notifications of such filing to the following:

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I hereby certify that on March 11, 2005, I hand delivered or mailed via the United States Postal Service the document(s) to the following non-registered participants:

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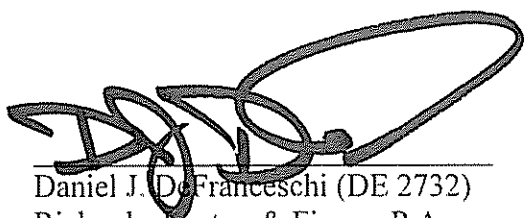
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